



Commonwealth of Virginia Draft Chesapeake Bay TMDL Watershed Implementation Plan

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Priorities

- Allow flexibility in implementation to ensure cost-effective practices are given priority.
- Ensure the plan works in the real world, not just in the “model world”.
- Recognize current economic conditions, the economic impacts of the TMDL and the need for federal support.
- Reserve the right to modify the plan and adapt as necessary.

Development of the Plan

2009: Agency review of programs

2009 – 2010: Convened Stakeholder Advisory Group (SAG): 40 members from all affected interests.

2010: Convened “Expert Panels” to advise staff on feasible levels of treatment.

2010: July: Sector Workgroups – SAG members with additional participants

2010: August: SAG Steering Committee – Representatives from each sector workgroup and several at-large members.

2010: September: Reviewed by Governor and sent to EPA

Virginia's Watershed Implementation Plan: Overview

- Meets 2017 target loads for all basins through management actions, plus use of existing nutrient credits achieve those target loads.
- Proposes a broad expansion of the existing nutrient credit exchange.
- Includes plan for the James River for additional study of the current chlorophyll standard.
- Proposed 2025 allocations for some sectors based on the so-called E3 level with the understanding that such levels of reduction by any sector could be accomplished with the ability to use an expanded credit and offset program.
- Expected Revisions to the 2025 allocations in 2017.

Expand Nutrient Credit Exchange

Legislative Findings and Purpose – [§62.1-44.19:12]

- Meeting cap allocations cost-effectively and as soon as possible
- Accommodating continued growth and economic development
- Providing foundation for establishing market-based incentives to help achieve non-point source reduction goals

Next Steps:

- Major programmatic undertaking for Commonwealth
- Will require General Assembly action
- Pursuing legislature-sanctioned study during 2011
- Proposal for consideration during 2012 session of General Assembly



James River Strategy

Step 1: Begin Pollution Reduction Actions During Stage 1 of TMDL Implementation to achieve the 60% Reduction Target by 2017

Step 2: Conduct Scientific Study to Determine the Most Appropriate Chlorophyll Criteria for the Tidal James River; and Initiate Rulemaking under the Virginia Administrative Process Act to Amend Water Quality Standards, as Needed [concurrent with Step 1]

Step 3: Amend TMDL Allocations for the James River Basin, as needed, in response to revised Water Quality Standards

Step 4: Virginia Implements Necessary Management Actions during Stage 2 to Achieve TMDL Allocations Prior to 2025

Aggregated Sector Allocations

- Draft WIP presents 2025 allocations for some sectors based on the so-called E3 level based on understanding that such levels of reduction by any sector could be accomplished through use of an expanded credit and offset program
- Aggregated sectors include: wastewater, storm water and on-site systems
- Provides VA the greatest flexibility to work out the most cost-effective and equitable long term program to meet the 2025 allocations among all sectors

Adaptive Management

- Draft WIP expects revisions to the 2025 allocations will be made in 2017
- Based on:
 - James River Strategy
 - Results of process to expand Nutrient Credit Exchange Program
- WIP \neq Programs

Wastewater Proposals

- Using the current nutrient allocations for significant wastewater facilities under the State Water Control Board issued Watershed General Permit that establishes nutrient caps for all significant discharges and ability to trade
- Propose new facilities under 1000 gpd must offset entire nutrient load.
- Propose offsets for nutrient loads from small dischargers expanding to less than 40,000 gallons per day

Onsite/Septic Proposals

- New or replacement systems in the Chesapeake Bay watershed utilize nitrogen reducing technology and implementation of new regulations for alternative systems that are currently under development.
- Establishing a tax credit or other financial incentive for the upgrade or replacement of existing conventional systems with systems that have nitrogen removal technologies.
- The plan proposes requiring septic pumpouts in areas outside those governed by the Chesapeake Bay Preservation Act which currently requires pumpouts every 5 years.

Agriculture/Forestry Proposals

- Extensive implementation of conservation plans on agricultural acres which could result in implementation of these practices:
 - Nutrient management plans
 - livestock exclusion from streams
 - 35' stream buffers
 - soil conservation
- Vastly improved accounting of voluntary practices.
- Improved implementation of forestry water quality BMP requirements.

Urban/Suburban Stormwater Proposals

- The plan proposes urban nutrient management plans on golf courses, municipally owned lands.
- The plan proposes restrictions on do-it-yourself non-agricultural lawn and turf fertilizers including “P ban”
- The plan proposes a 20% phosphorus reduction standard for areas being redeveloped.
- The plan proposes stormwater retrofits on existing developed lands to reduce nitrogen, phosphorus and sediment.
- For new development, post development loads cannot exceed allowed loads of previous land uses

Future Dates and Expected Actions

Expected in 2011:

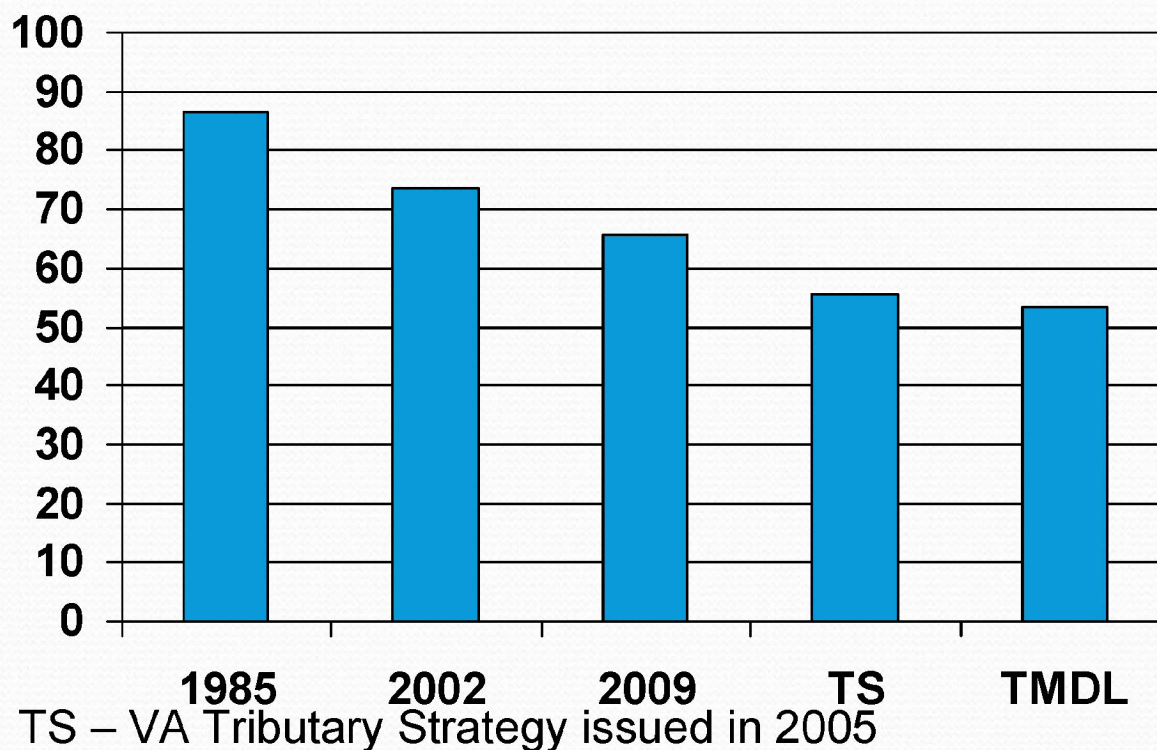
- Submittal of “Phase II” WIPS by the states. Phase II plans are expected to be developed with actions proposed at a smaller, local scale.
- Revisions to the Chesapeake Bay Model to correct currently known deficiencies.
- Modifications of the TMDL allocations by EPA by December 15, 2011

Expected in 2017:

- Submittal of Phase III WIPS by the states.
- Modifications of the TMDL allocations by December 15, 2017.

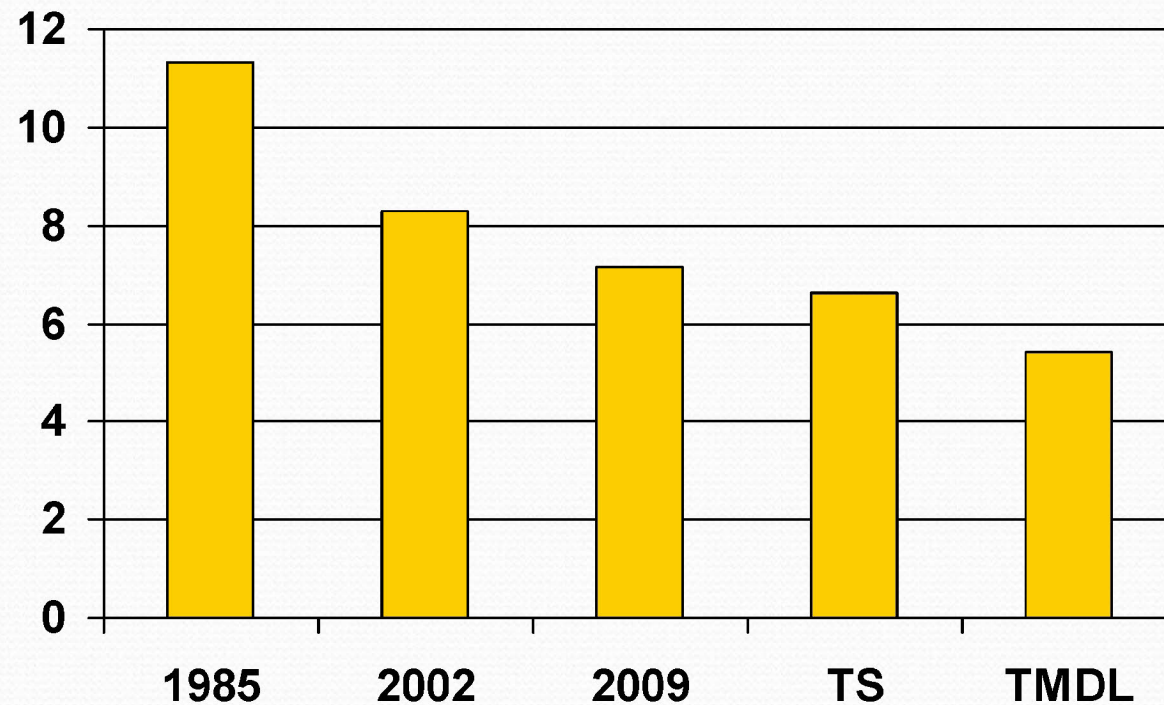
Virginia Nitrogen Loads

[million lbs/yr]



Virginia Phosphorus Loads

[million lbs/yr]



TS – VA Tributary Strategy issued in 2005

Commenting on the WIP

Comments or questions can be sent to

- VABAYTMDL@dcr.virginia.gov

Copies of the Virginia WIP and other TMDL related materials can be found at:

- www.deq.virginia.gov/tmdl/chesapeakebay.htm
- www.dcr.virginia.gov/sw/baytmdl.shtml

